

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA
AT ANCHORAGE

ALASKA RENT-A-CAR, INC., an Alaska Corporation,)
)
)
Plaintiff,)
)
v.)
)
CENDANT CORPORATION, et al.,)
)
Defendants.) Case No. 3:03-cv-29 [TMB]
)

ORDER REGARDING DM 29, 30, 31, 32, 33, 34, AND 40

Based on the discovery mediation on March 7, 2006 the following conclusions were reached by the Discovery Master:

1. With respect to DM 29 the Plaintiff provided a list of 19 States for which they have CPAF documents. The Defendants will have a qualified person spend 90 minutes going through their alphabetized files where the CPAF files are housed in New Jersey looking for the 31 other States' CPAF files and will produce all such files located and an affidavit documenting the diligent search efforts by March 16, 2006. With respect to Request for Production Nos. 1 and 3, Defendants will provide an affidavit from Paul Gallagher or other qualified person consistent with the March 6, 2006 Order of the Discovery Master explaining the "Hertz Retaliation Program" and "Hertz Vulnerable List", purposes, and operation of any such program or list. With respect to Request for Production No. 2 and the "Protect from Market" list, Plaintiff has provided two CPAF documents in Mr. Walker's region with references to the "Protect from Market" list. An affidavit will be provided from an appropriate person explaining the term Protect from

Market List with respect to Avis and Budget and how it was utilized and explain its meaning.

2. With respect to DM 30, to the extent documentation exists, Defendants will answer Interrogatories 27 and 28 and identify by year from 2003 through present the funds received by CCRG as a consequence of the various Ford buy back programs associated with Budget licensees in Alaska. Additionally, Defendants will identify any funds received by Budget licensees in Alaska for each year. With respect to Interrogatories 29 and 45 (which are the same interrogatory served to different parties) these interrogatories will be answered. With respect to Request for Production No. 6, Plaintiff has provided a list of customers who may have sent endorsement letters sought for specific accounts. Defendants will provide any endorsement letters from the files of Hagel, Dulk, DePachalis, Beck, and plus a list of 10 accounts identified by Plaintiff. The Plaintiff can seek to subpoena any endorsement letters from third parties which the Defendants do not supply directly. To the extent it is reasonably feasible with respect to Request for Production Nos. 18, 19, and 21 Defendants will respond to these Requests for Production by providing the same types of documents provided with respect to Budget operations in Alaska for Avis operations in Alaska which were provided for Budget in response to former Interrogatories 31, 32, and 33. (*See* the four documents faxed by Defendants on February 17, 2006 Exhibits A, B, C, and other.)

3. With respect to DM 31, the Defendants have provided verifications for Interrogatories sought in DM 31, and will provide verifications for any Interrogatories due on or after December 30, 2005.

4. With respect to DM 32, after receiving additional CPAF documents *see* paragraph 1 for State governments on March 16, 2006, Plaintiff shall identify by March 20, 2006 which three witnesses they want to depose regarding State CPAFs/accounts and such 30(b) witnesses will be made available as soon as possible but in any case prior to April 20, 2006.

5. With respect to DM 33, the Defendants will produce a witness to testify as a 30(b) witness on the 2004 Strategic Plan document identified in DM 33. The witness's deposition will be made available as soon as possible but prior to April 20, 2006 close of discovery. The redacted portions of the 2004 Strategic Plan have been provided to the Discovery Master for in camera review without waiver of attorney client privilege and the redactions are appropriate.

6. With respect to DM 34, of the 60 to 70 association marketing plans there is a portion of them that contain confidential information of the association. A list of these will be provided. The balance of the association marketing plans will be produced by March 16, 2006.

7. With respect to DM 40 the "attorney's eyes only" Exhibit B document, the Defendants have provided a more readable version of this document. With respect to the Composite Statement, the Defendants will provide a version of the Budget Composite Statements for 2004 to 2006 (as available) for Budget in Alaska consistent with the documents provided to the Budget licensees in Alaska, including headings. These documents will be provided by March 17, 2006.

IT IS SO ORDERED.

DATED: MARCH 9, 2006



DAVID B. RUSKIN
Discovery Master